

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Demeian Pinckney Bey,	)	C/A. No.: 2:16-cv-2530-RMG-MGB
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	<b><u>OF MAGISTRATE JUDGE</u></b>
Kamila Szymczynska, Berkeley Cty. Asst. Solicitor, and Deadra Jefferson, Chief Administrator,	)	
	)	
	)	
Defendants.	)	
	)	
	)	

Plaintiff, who indicates he is part of the “Moorish Divine and National Movement of the World,” filed the Complaint in this action on July 13, 2016. (Dkt. No. 1). Plaintiff is proceeding *pro se*. Plaintiff has moved to proceed *in forma pauperis*, but refuses to provide any financial information. (See Dkt. 2).<sup>1</sup> Additionally, Plaintiff provided no proposed service documents. By Order of July 19, 2016, Plaintiff was given twenty-one (21) days, plus three (3) days for mail time, from the date of entry of the Order to bring this case into proper form, pursuant to General Order No. 3:07-mc-5015-JFA (D.S.C. Sept. 18, *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, 2007), by completing a summons form for each Defendant named in this case. (See Dkt. No. 4).

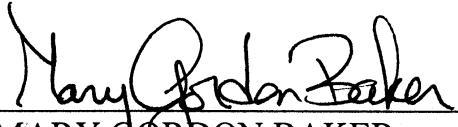
The Order of July 19, 2016 (Dkt. No. 4), was mailed to Plaintiff at his address of record. The mail in which the Order of July 19, 2016 was sent to Plaintiff was not returned. In the Order of July 19, 2016, Plaintiff was warned that his failure to provide the necessary documents and information within the timetable set forth in the Order would subject this

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<sup>1</sup>Although Plaintiff submitted an application to proceed *in forma pauperis*, he failed to complete the application. Plaintiff did not provide any substantive answers and merely wrote “private information” for all questions on the form.

case to dismissal. Plaintiff failed to respond to the Order, and the time for responding has lapsed. The mail in which the Order was sent to Plaintiff was not returned. Thus, the Court presumes that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order. Plaintiff's lack of response to the Order indicates an intent to discontinue prosecuting this case and subjects the case to dismissal. As Plaintiff has failed to prosecute this case and failed to comply with a court order, the undersigned recommends that this case be **dismissed without prejudice** pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-36 (1962).

**IT IS SO RECOMMENDED.**

  
\_\_\_\_\_  
MARY GORDON BAKER  
UNITED STATES MAGISTRATE JUDGE

August 19, 2016  
Charleston, South Carolina

**The Plaintiffs' attention is directed to the important notice on the next page.**

### **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4<sup>th</sup> Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Robin L. Blume, Clerk  
United States District Court  
Post Office Box 835  
Charleston, South Carolina 29402**

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4<sup>th</sup> Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4<sup>th</sup> Cir. 1984).